

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

CARY E. BERGER and K.C.
CHARLES, INC., a Washington
corporation,

Plaintiffs,

v.

COMCAST OF PENNSYLVANIA/
WASHINGTON/ WEST VIRGINIA,
LP, a Colorado Limited Partnership

Defendant.

NO. CV-08-320-LRS

**ORDER RE
MOTION TO DISMISS**

For the reasons given at the telephonic hearing conducted on June 30, 2010, Defendant's Motion To Dismiss For Lack of Prosecution (Ct. Rec. 8) is **DENIED**. With the consent of counsel for Plaintiffs, however, the class claims are **STRICKEN**. The Scheduling Order filed March 17, 2009 (Ct. Rec. 6) is **VACATED** and an Amended Scheduling Order will be entered establishing new dates extending from the discovery deadline forward to bench trial.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and forward copies to counsel of record.

DATED this 2nd day of July, 2010.

s/Lonny R. Suko

LONNY R. SUKO
Chief United States District Judge

ORDER RE MOTION TO DISMISS- 1